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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 12 - 00527 MAG
	)	
Plaintiff,	)	STIPULATION AND
	)	<del>PROPOSED</del> ORDER
v.	)	
	)	
KATHLEEN BORKENHAGEN,	)	
	)	
Defendants.	)	

WHEREAS, the government has filed an information in connection with the above-entitled matter;

WHEREAS, the parties were scheduled for a status hearing before this Court on Friday, February 1, 2013, as to further proceedings in connection with this matter;

WHEREAS, defense counsel is continuing to review documents in connection with evaluating and analyzing this matter as well as providing relevant documents to the United States, particularly in reference to the nature and amount of restitution;

WHEREAS, counsel for the parties jointly agree and stipulate that a continuance of this matter is appropriate in order to ensure effective preparation of counsel, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

1           THEREFORE, the parties mutually and jointly agree that time should be excluded from  
 2 February 1, 2013, up and including March 1, 2013. The parties agree that excluding time until  
 3 March 1, 2013, is necessary, given the need to maintain continuity of counsel. The parties also  
 4 agree that failing to grant a continuance would deny counsel for the defense the reasonable time  
 5 necessary for effective preparation and continuity of counsel, taking into account the exercise of  
 6 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). Finally, the parties agree that the ends of  
 7 justice served by excluding time from February 1, 2013, until March 1, 2013, outweigh the best  
 8 interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

9 **STIPULATED:**

10 DATED: January 30, 2013

/s/  
 MANUEL ARAUJO  
 Attorney for KATHLEEN BORKENHAGEN

13 DATED: January 30, 2013

/s/  
 TIMOTHY J. LUCEY  
 Assistant United States Attorney

16 **ORDER**

17           For good cause shown, the Court enters this order excluding time from February 1, 2013,  
 18 up to and including March 1, 2013. Specifically, the parties agree, and the Court finds and holds  
 19 that such that time should be excluded until March 1, 2013, and furthermore that failing to grant  
 20 a continuance and exclude time until March 1, 2013, would unreasonably deny the defendant  
 21 effective preparation of counsel, taking into account the exercise of due diligence. See 18 U.S.C.  
 22 § 3161(h)(7)(B)(iv). Finally, the parties agree, and the Court finds and holds, that the ends of  
 23 justice served by excluding time from February 1, 2013, through March 1, 2013, outweigh the  
 24 best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

25 **IT IS SO ORDERED.**

27 DATED: 1/31/2013

28   
 HON. PAUL S. GREWAL  
 United States Magistrate Judge